IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 13236 of 2007(A)

PETITIONER:

P.DINESH BABU, S/O.P.S.APPU,
PAREKKAT HOUSE, THAIKKATTUSSERY P.O.,
THRISSUR DIST., PIN-680322.

BY ADV. SRI.ANANDARAJAN.N
SRI.C.V.MILTON

RESPONDENTS:

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1. THE KERALA STATE ROAD TRANSPORT CORPORATION REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM-23.

2. THE FINANCIAL ADVISOR AND CHIEF ACCOUNTS OFFICER, KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM-23.

3. THE DISTRICT TRANSPORT OFFICER, KSRTC, GURUVAYOOR.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 13236 OF 2007

Dated this the 31st May, 2007

JUDGMENT

The Writ sought in this Writ Petition is a mandamus commanding the respondents to refund Rs.30,000/= to the petitioner towards compensation to take up the employment in the Government Service. According to petitioner, the payment was made by him under the protest and that is evident from Ext.P6. I find that though there is a writ of mandamus sought, there is no demand preceding the application for mandamus. There is no case for the petitioner that any demand will be futile. In such circumstances, the Writ Petition not preceded by a demand and refusal, in my view, is not entertainable. In such circumstances, without prejudice to the petitioner to make a demand to the respondent Corporation, this Writ Petition is closed.

K. M. JOSEPH, JUDGE

kbk.